6846(3

App. F. IX-4

Previous References.

1950-54
(CB.)

File No. 346-50

Serial Nos. 24

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for June 1954

SUBJECT

L. A. Budget Session. Resolution No. 40
re Working of the present Ministry.

WD 010861—GPB—25,000—18-9-50

Mysore Legislative Assembly Budget Session 1951

General and Revenue Secretariat | File No. 6846 CB of 19 | [App. F. III 2

WD 010852—GPB—30,000—14 7-50

2406

MYSORE LEGISLATIVE ASSEMBLY

Budget Session - 1951.

GENERAL & R. 6846/CB 9- CONFIDENTIAL

Resolution No.40.

That this Assembly is of opinion that a committee be appointed to review the working of the present Ministry and to suggest measures for a successful working of democracy.

Mover: Mushir-ul-Mulk MAHOMED IMAM (Tumkur cum Chitaldrug-Muslim)

SRR

Subs for orders.

21. 12/3. 2) Please put up the papers connected with the same or a similar Resn. tabled for the last Session of the L. A.

12.3.57. 3) A similar resolution was tabled at the last session. The latter portion of it was disallowed on the last occasion. For want of time it was not brought up before the House. The connected papers are put up.

dt 12/3/57 4) Govt's attitude to this Resolution may have to be determined

NOTE—Contn. Sheet.

M.L.A. Budget Session 1951.

File No. Ballot No. 55 Resolution No. 40 of 19 6846/51 General and Revenue Secretariat

Serial No.

after discussion in Council.

Chief Secy) 5) Dy.M.R 13/3/51

13.3.51.

Ch. Secy) 6) U.S. 13/3/51 Dy.M.R 13/3/51

K.C.A. 14/3/51

CHIEF SECRETARY 11287 GOVT. OF MYSORE

Office of the Chief Minister No 10928 Date of Receipt 13/3

7) P.S: Please let me have a copy of the Balloted resolutions. The balloted no. has to be indicated in the files dealing with the resolutions.

K.C.A. 14/3/51

CHIEF SECY. 14 MAR 1951 GOVT. OF MYSORE

8) A copy of the resolutions numbered according to the Ballot is put up. This resolution gets the last ~~but~~ but one (5-5th) place in the order of Ballot. From the printed matter it can be seen that the portion marked in pencil has been disallowed by the Speaker, though the same has not been communicated to this office yet. Copies of disallowances so far received are put up in the file.

U.S. 14/3 Dy.M.R 14/3/51

H.O.D. 15.3.51.

Chief Min) 9) Dy.M.R 15/3/51

15.3.51.

10) K.C.A. 15/3

Office of the Chief Minister No 12069 Date of Receipt 15/3

CHIEF SECRETARY 16 MAR 1951 GOVT. OF MYS.

U.S. 16/3 Dy.M.R 16/3/51

M.L.A Budget Session 1957.

Ballot No. 55 Resolution No. 40

General and Revenue Secretariat — File No 6846/C/57 of 19 — [App. F. III-2

WD 010975—GPE—2,000—20-7-50

Serial No.

11) The file may be sent to the P.S to Chief Minister

P.A to Ch.Min) 12) 17/5/57

16.3.57. 13) Submitted for perusal before filing the papers.

8/5/57. 14) Please ascertain from the M.A office if the Resolution was reached.

8.5.57. 8/5/57

(Reminder note sent 8/5/57)

Subs.

15) It is stated that this resolution was not reached so far. If that the adjourned session will commence from the 28th inst. It has to be seen whether this would be taken up then.

16) It is not likely that any non-official business will be taken up in the adjourned session which is meant for purely official business such as introduction of Land Reforms Bill, University Bill etc. However this may be sent to the office of the Hon.Chief for putting up the file when it is taken up by the House.

P.S to Ch. Min) 14/5/57

14.5.57. The Resolution was not taken up. The file is returned herewith.

A/Asst Secy Ch.S. 18/5/57

Office of the Chief Minister
No. 12171
Date of Receipt 17.3

Sri. K.M.K.
Pl put up on 2nd April 57. 18/3/57.

Reminder sent 31/3/57

'M'

31/3/57)

Asst Secy Ch.S. 4/5/57)

Office of the Chief Minister
No. [illegible]
Date of Receipt 14.5

NOTE—Contn. Sheet.

G. F. 74]

6 846/ch.s.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

WD 010851—GPB—20,000—5-8-50

Submitted

The Secy, Mysore Legis. may be requested to intimate whether Resolution No. 55 (according to Ballot) tabled by Janab Mahamed Imam during the Budget Session of the Legislative Council 1957 was reached and if so an extract of the proceedings may kindly be obtained from him.

Supdt 8/5/57. Secy L.A.) 9.5.57

Sri 8.5.57.

317 LA 11/5

Sr. RS.I.

So far, that resolution has not been reached. It is not known whether it will be taken up at the adjourned meeting commencing from 20th inst.

Asst Secy Ch. Secr.) 11.5.57. 11/5

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

MYSORE LEGISLATIVE ASSEMBLY.

BUDGET SESSION, 1951.

Resolutions (arranged in the order of Ballot).

1. This Assembly is of the opinion that the existing rates of Dearness Allowance be raised by 50 per cent in the case of all non-gazetted staff to relieve them of the misery and hardship to which they have been put on account of the abnormal rise in the cost of living.

MOVER.— **Sri D. H. Chandrasekharaiya** (Chitaldrug District—General).

2. This Assembly is of the opinion that a Translation Branch be immediately set up and the work of translating into Kannada various works of educational value required for imparting instruction and knowledge, be entrusted to it.

MOVER.—**Sri M. C. Sivananda Sharma** (Bangalore District—General).

3. This Assembly is of the opinion that the sale of white oil, under whatever name, to the merchants by the sole agents should be prohibited except under a special license.

MOVER.—**Sri S. Rangaramiah** (Mysore District—General).

4. This Assembly is of the opinion that it is necessary to immediately open a T.B. Sanatorium at Kolar.

MOVER.—**Sri G. Narayana Gowda** (Kolar District).

5. This Assembly is of the opinion that Food Control and Rationing be abolished in all the areas of the State, excepting the cities of Mysore, Bangalore, Davangere and K.G.F.

MOVER.—**Sri Kadidal Manjappa** (Shimoga District—General).

6. This Assembly is of the opinion that in order to meet the urgent demand of homeless persons in Bangalore at least one thousand building sites measuring 30′ × 50′ each (minimum) for this year be formed early and the same be leased out on a monthly rent by acquiring the required land, the cost of such acquisition including the cost of the lay-out, be taken into account for fixing the lease amount on the basis of the yield of interest at 4 per cent per annum on the capital invested for the same.

MOVER.—**Sri W. H. Hanumanthappa** (Bangalore District—General).

7. This Assembly is of the opinion that a Committee of this Legislature be appointed to investigate whether the several subsidies, loans and grants given by the Government are properly utilised or not and whether the loans are properly secured and advise the Government in the matter of their future policy with regard to such subsidies and loans.

MOVER.—**Sri K. Sampangi Ramiah** (Kolar District—General).

8. This Assembly is of the opinion that the Government be requested to take immediate steps to withdraw all control orders relating to food commodities in the State.

MOVER.—**Sri B. Channabyre Gowda** (Bangalore District—General).

9. This Assembly is of the opinion that the Government should take immediate steps to have the Sales Tax Act of 1948 suitably amended so as to provide for Appeals and Revision petitions arising out of Sales Tax cases being heard and disposed of by an independent Appellate Tribunal.

MOVER.—**Sri V. S. Narayana Rao** (Bangalore City—General).

10. This Assembly is of the opinion that the Offices of Director of Anti-corruption be separated from that of Efficiency Audit and that a Commission of three members be appointed for the Anti-corruption Department.

MOVER.—**Sri A. G. Ramachandra Rao** (Hassan District—General).

11. This Assembly is of the opinion that Kannada should be the medium of instruction in the University of Mysore.

MOVER.—**Sri D. M. Siddiah** (Mysore District—General).

12. This Assembly is of the opinion that Sir M. Visvesvaraya's Village Industrial Scheme be introduced in Chikmagalur and Shimoga Districts.

MOVER.—**Sri H. M. Mallikarjunappa** (Chikmagalur District—General).

13. This Assembly is of the opinion that 50 per cent be reserved out of Depressed Classes Uplift Fund during the year 1952 for construction of permanent Hostel buildings for use of the Middle, High School and College students of the Depressed Classes in the State.

MOVER.—**Sri Govinda Das** (Hassan District—Depressed Class).

14. This Assembly is of the opinion that in view of the limited Revenues of the State it is necessary to request the Government of India to bear the capital outlay of all irrigation projects of the State under and pending execution costing over ten lakhs of rupees.

MOVER.—**Sri M. Govinda Reddy** (Chitaldrug District—General).

15. This Assembly is of the opinion that immediate steps be taken to improve the condition of rural primary schools by providing suitable school buildings with sufficient space for gardening and playing, equipping fully with school materials, staffing only with trained teachers and improving the inspection work.

MOVER.—**Sri T. Madiah Gowda** (Bangalore District—General).

16. This Assembly is of the opinion that instruction should be given only through the Kannada Medium in the Primary and Middle Schools of the State.

MOVER.—**Sri B. N. Boranna Gowda** (Hassan District—General).

17. This Assembly is of the opinion that a Committee be constituted to suggest measures and schemes for the speedy amelioration or the upliftment of the Depressed Classes in the State.

MOVER.—**Sri M. C. Venkateshan** (Mandya District—Depressed Class).

18. This Assembly is of the opinion that Kannada should be the medium of instruction in all the High Schools exception being shown to such students who have been taught in languages other than Kannada in Middle School for a period of five years.

MOVER.—**Sri K. Puttaswamy** (Mandya District—General).

19. This Assembly is of the opinion that prohibition be extended to the neighbouring taluks in non-Prohibition Districts which adjoin districts in which prohibition is in force.

MOVER.—*Lokasevaniratha* **M. Hanumanthiah** (Bangalore District—Depressed Class).

20. This Assembly is of the opinion that the Kunigal Stud Farm be converted into a Cattle Farm.

MOVER.—**Sri N. Hutchmasti Gowda** (Tumkur District—General).

21. This Assembly is of the opinion that a committee of five members of the Assembly be constituted to go into the question of reorganising the working of the Mysore Government Insurance Department and to make suitable recommendations.

MOVER.—**Sri B. Hutche Gowda** (Tumkur District—General).

22. This Assembly is of the opinion that the system of basic education should be introduced forthwith in all Primary Schools in the State.

MOVER.—**Sri H. Siddananjappa** (Hassan District—General).

23. This Assembly is of the opinion that the Kolar Gold Field Mines should be nationalised.

MOVER.—**Sri H. C. Linga Reddy** (Kolar District—General).

24. This Assembly is of the opinion that lift-irrigation scheme should be introduced immediately near Volambige Village of Hole-Narsipur Taluk.

MOVER.—**Sri S. C. Sooryanarayana Chetty** (Hassan District—General).

25. This Assembly is of the opinion that Government may 'Go slow' in the matter of pursuing the policy of prohibition in view of the present financial position of the State.

MOVER.—**Janab Syed Abdur Rahman** (Chikmagalur *cum* Shimoga—Muslim).

26. This Assembly is of the opinion that Government should immediately take necessary action to bring an Agricultural Credit Corporation into being.

MOVER.—**Sri H. M. Channabasappa** (Mysore District—General).

27. This Assembly is of the opinion that a Committee consisting of the members of the House be appointed to study the working of the Grow More Food Scheme in the State with particular reference to the results achieved so far and to suggest ways and means to step up food production with a view to achieve self-sufficiency.

MOVER.—**Sri H. Siddaveerappa** (Chitaldrug District—General).

28. This Assembly is of the opinion that immediate action should be taken to start relief works and to introduce statutory rationing in the famine affected areas of Kolar and Chitaldrug Districts in the State.

MOVER.—**Sri M. V. Krishnappa** (Kolar District—General).

29. This Assembly is of the opinion that the Government should take immediate steps to have the Sales Tax Act of 1948 suitably amended so as to provide for Appeals and Revision petitions arising out of Sales Tax cases being heard and disposed of by an independent Appellate Tribunal.

MOVER.—**Sri G. A. Acharya** (Bangalore District—General).

30. This Assembly is of the opinion that 80 per cent of the land in the Date Groves in the prohibited Districts and Amrit Mahal Kaval be given for cultivation to the Harijans in order to overcome the scarcity of food stuffs and also to improve the economic condition of the Harijans.

MOVER.—**Sri T. Hanumiah** (Chitaldrug District—Depressed Class).

31. This House recommends to the Government of Mysore that a Committee be constituted to examine the necessity of continuing or otherwise of various control measures that are now existing.

MOVER.—*Mushir-ul-Mulk* **J. Mahomed Imam** (Tumkur *cum* Chitaldrug—Muslim).

32. This Assembly is of the opinion that in the Mysore University and other Educational Institutions, the medium of instruction should be Kannada instead of English.

MOVER.—**Sri T. C. Honnappa** (Mysore District—General).

33. This Assembly is of the opinion that all educational institutions in the State should work in the mornings from 7-30 A.M. to 12 NOON instead of from 10-30 A.M. to 4-30 P.M.

MOVER.—**Sri M. L. Nanjaraj Urs** (Mysore District—General).

34. This Assembly is of the opinion that Kannada be declared the State Language and necessary steps be taken to make it the first language of study and the medium of instruction in non-language subjects in all educational institutions in the State.

MOVER.—**Sri D. H. Chandrasekharaiya** (Chitaldrug District—General).

35. This Assembly is of opinion that a Committee consisting of representatives of the Departments of Government and Public Educational Institutions be immediately constituted and the work of framing a new set of rules containing all up-to-date and necessary provisions for grant-in-aid to Public Educational Institutions in the State be entrusted to it.

MOVER.—**Sri M. C. Sivananda Sharma** (Banglore District—General).

36. This Assembly is of the opinion that the Government should take immediate steps to establish a research institute for propagation of cashewnut cultivation and curing in the State.

MOVER.—**Sri S. Rangaramiah** (Mysore District—General).

37. This Assembly is of opinion that a Committee be constituted to suggest means of expediting the disposal of applications for the grant of lands.

MOVER.—**Sri Kadidal Manjappa** (Shimoga District—General).

38. This Assembly is of the opinion that as an emergency measure, all the non-technical university colleges in the State be closed for a period of five years and the man-power released thereby be utilised for developing agricultural colonies, if possible on co-operative basis.

MOVER.—**Sri K. Sampangi Ramiah** (Kolar District—General).

39. This Assembly is of the opinion that the present quantity of foodgrains allowed to the raiyats for their *bona fide* use be increased to four hundred seers at least per year.

MOVER.—**Sri B. Channabyre Gowda** (Bangalore District—General).

40. This Assembly is of the opinion that political sufferers in Mysore be each allotted not less than five acres of land for cultivation and not more than Rs. 2,000 each to such political sufferers as may not take to cultivation of land but who may invest the advance or loan in any industry, trade or commerce and recover the same in easy instalments.

MOVER.—**Sri V. S. Narayana Rao** (Bangalore City—General).

41. This Assembly is of the opinion that Controls should be removed immediately.

MOVER.—**Sri D. M. Siddiah** (Mysore District—General).

42. This Assembly is of the opinion that Doctors be provided to all the L.F. Dispensaries in Malnad Districts wherever there are no doctors in the Dispensaries.

MOVER.—**Sri H. M. Mallikarjunappa** (Chikmagalur District—General).

43. This Assembly is of the opinion that 50 per cent of the date grove lands be reserved for the landless Depressed Classes in the Districts where prohibition has been introduced.

MOVER.—**Sri Govinda Das** (Hassan District—Depressed Class).

44. This Assembly is of the opinion that in view of the limited Revenues of the State the Government of India be requested to sanction a grant of rupees five lakhs every year for organising a scheme of providing credit to agriculturists of this State.

MOVER.—**Sri M. Govinda Reddy** (Chitaldrug District—General).

45. This Assembly is of the opinion that with a view to improve the public health and the economic condition of the poor by providing more manual work, all floor mills and hullers be, at least in rural areas, immediately closed down and in no case fresh licences be issued.

MOVER.—**Sri T. Madiah Gowda** (Bangalore District—General).

46. This Assembly is of the opinion that not less than 50 per cent of the lands released from Forest Reserves, Date Groves and Amritmahal Kavals and of all lands suitable for cultivation in rural parts be reserved for depressed class people.

MOVER.—*Lokasevaniratha* **M. Hanumanthiah** (Bangalore District—Depressed Class).

47. This Assembly is of the opinion that a Special Public Works Division be established at Markonahally with a view to undertake such irrigation works as are necessary for fully utilising the water of the Shimsha flowing through Kunigal, Turuvekere and Gubbi Taluks to facilitate growing more food grains.

MOVER.—**Sri N. Hutchmasti Gowda** (Tumkur District—General).

48. This Assembly is of the opinion that a committee of five members of this Assembly be constituted to go into the question of suggesting improvements in the food procurement system.

MOVER.—**Sri B. Hutche Gowda** (Tumkur District—General).

49. This Assembly is of the opinion that Military Training must be made compulsory in all the Colleges in the State.

MOVER.—**Sri H. Siddananjappa** (Hassan District—General).

50. This Assembly is of the opinion that the State Government should take immediate steps for the separation of the Judiciary from the Executive.

MOVER.—**Sri H. C. Linga Reddy** (Kolar District—General).

51. This Assembly is of the opinion that sales-tax be levied at only a single point (at the source) in the Mysore State.

MOVER.—**Sri S. C. Sooryanarayana Chetty** (Hassan District—General).

52. This Assembly is of the opinion that all the pending P.W.D., I.V.C., Roads and Tank Restoration works should be immediately taken up in famine affected areas of the State as a measure of relief to the poor people in those areas.

MOVER.—**Sri M. V. Krishnappa** (Kolar District—General).

53. This Assembly is of the opinion that political sufferers in Mysore be each allotted not less than five acres of land for cultivation and not more than Rs. 2,000 each to such political sufferers as may not take to cultivation of land but who may invest the advance or loan in any industry, trade or commerce and recover the same in easy instalments.

MOVER.—**Sri G. A. Acharya** (Bangalore District—General).

54. This Assembly is of the opinion that a committee be constituted for investigating the bark contract system in the State immediately.

MOVER.—**Sri T. Hanumiah** (Chitaldrug District—Depressed Class).

55. This Assembly is of the opinion that a committee be appointed to review the working of the present Ministry.

MOVER.—*Mushir-ul-Mulk* **J. Mahomed Imam** (Tumkur *cum* Chitaldrug—Muslim).

56. This Assembly is of the opinion that Government should provide one middle school for every two or three villages in the rural parts, and also provide building facilities at the cost of the Government.

MOVER.—**Sri T. C. Honnappa** (Mysore District—General).

BANGALORE,
8th March 1951.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

WD 3149—GPE—300—9-3-51

MYSORE LEGISLATURE.

No. 5896-5903/L.A. ~~L.A.~~

Office of the Mysore Legislature,
Old Public Offices,
Bangalore, Dated, 9th March 1951.

From

The Secretary,
Mysore Legislature.

To
The Chief Secretary to Government, Bangalore.

Sir,

With reference to questions and resolutions tabled by members for the ensuing session of the Legislative Assembly and copies of which has been sent to you already by this office, I have the honor to enclose herewith, for your information the disallowances and amendments made by the Hon'ble Speaker to secure compliance with the rules.

Yours faithfully,

Sd/ Venkataramaiyer,

Secretary,
Mysore Legislature.

Chief Secretary to Government.

1. Clauses (a) (b) (c) and (d) of *Q. No. 10 have been disallowed and cl.(e) of the question has been amended as follows:-

> "(e) whether they will furnish copies of the report of the Gopal Rao Enquiry Committee to the Members of this House?"

2. *Q. No. 36 by Janab Syed Abdur Rahman has been disallowed.

3. Resolution No. 8 by Janab Syed Abdur Rahman has been disallowed.

4. *Q. No. 74 by Sri T.C. Nonnappa has been disallowed.

MYSORE LEGISLATURE.

No. 6261 L.A.

Office of the Mysore Legislature,
Old Public Offices,
Bangalore, dated, 9~~th~~ March 1951.
12th

From

The Secretary,
Mysore Legislature.

To
The Chief Secretary to Government, Bangalore.

Sir,

With reference to questions and resolutions tabled by members for the ensuing session of the Legislative Assembly and copies of which has been sent to you already by this office, I have the honor to enclose herewith, for your information the disallowances and amendments made by the Hon'ble Speaker to secure compliance with the rules.

Yours faithfully,

Sd/ Venkataramaiyer,

Secretary,
Mysore Legislature.

CHIEF SECRETARY TO GOVERNMENT.

1. *Q. No. 169 by Mushir-ul-Mulk J. Mohamed Imam has been disallowed.

2. *Q. No. 200 by Sri B.N. Boranna Gowda //- This que. will need in CS.

clauses (e) and (f) have been disallowed.

3. *Q. No. 224 by Sri K.H. Thimma Boi --

clause (b) has been disallowed.

4. *Q. No. 228 by Sri B. Channabyre Gowda has been disallowed.

Mysore Legis. Assembly, Jan. Session 51.
Resolution No. 11.

5496
CB

1793/L.A.

Mysore Legislative Assembly,
January Session, 1951.

Resolution No. 11.

This Assembly is of the opinion that a committee consisting of members of the Legislature be constituted to study and review the working of the Ministry since* it came to office (and to suggest measures for a more efficient administration under democracy.)

Mover: Mushir-ul-Mulk J. Mohamed Imam (Chitaldrug cum Tumkur - Muslim)

Submitted.

1) It is for consideration whether the above resolution ~~may~~ be accepted, opposed or the discussion there on waived.

2) Perhaps the chief Minister ~~will~~ will be in charge of the resolution. Draft informing this is sent up for approval

HPD 29/12/50 (Chief Secy) RMP 30/12/50

3) May be opposed on the score that there is ample scope under the rules pertaining to L.A. to ascertain any matter by means of questions, debate &c., and under the Constn.

29.12.50.

CHIEF SECRETARY 9236 30 DEC 1950 GOVT OF MYSORE

Office of the Chief Minister 8036 2-1-51

Ch Min) 30/12

1) The Law Min may note. It seems rather extraordinary 4/1/51 30/12/50 RMP

Mysore Legis. Assembly — Jan Session 1951

Resolution No. 11

c) HS
11-1-51.
ama
5/1/51

Minr (Law)

d) Personally I do not think it objectionable. We may even welcome it. There appears to be no legal objection to its being moved. Point whether it is desirable to discuss such a resolu at this time is open to question. One fact however, that members have other means of attaining the same object can be no valid ground to oppose the resolution or refuse permission to move. It seems to me that from the point of view of fact we need raise no objn. We may say that it is unnecessary, since everyone knows all about the subject to [illegible] we trying their best in the direction desired + that having regard to circumstances under which we have to function, namely want of funds, food crisis, new setup to change of Psychology, etc., progress is necessarily slow + that if the legislature wants a committee to be appted [illegible] have no objn. That seems to me to be the most satisfactory way of dealing with the resolu.

RT.D
8/1

4) HS.
9/1
ama
9.1.57

(A Minr)

e) I consider that the LA is itself the forum for the purpose suggested by the Hon'ble Member. Any other Committee would mean virtually a no confidence.

f) For portion disallowed, see F.C.D 10/1/51, HS. 11/1/51 ama 11.1.57

g) See portion disallowed vide file below. HS. 11/1/51 ama 11.1.57

L 838
6/1/51

L 344
9/1

BRIEF SEC'R
8 JAN 1951
GOVT. OF MYS.

1 JAN 1951

Mysore Legislative Assembly. Jan. session-51.

General and Revenue Secretariat | File No Resln. No. 11 of 19 5496 | [App. F. III-2

WD 010975—GPB—2,000—20-7-50

Serial No.

(6)

Chief Min)

12/1/57

11) The resolution, it seems to me, is out of order. I do not believe that such precedent has been followed in any of the democratic legislatures where democratic responsible Government functions. Precedents may be looked for and a note sent up. We may make out a case for the disallowance of the resolution. What was Sri Prakasam's motive in the Madras Assembly recently? The resolution of Mr. Imam would mean constituting a Court of Inquiry empowered to go into the working of the Government in its entirety! This would be an extraordinary course - possibly giving Courts to parliamentary traditions. This has to be examined in all its bearings and with reference to precedents if any. may be considered in Council.

R.C.

12/1/57.

13-1-57

Submitted.

13/1/57

12) The resolution has been allowed by the Speaker. Perhaps Govt. cannot make out a case for withdrawal of this resolution. The best that can be done, perhaps, would be to press

P.S.-C.

Minister

8474

12/1

CHIEF SECRETARY 13 JAN 1951 SECT. OF STATE

NOTE—Contn. Sheet.

L. A. Resolution no. 11. Constitution of a

File No. Committee to review the working of the Ministry 5796/CB — General and Revenue Secretariat

Serial No.

for the withdrawal of the resolution.

There are no precedents of this case under the new Constitution where Govt. is responsible to the Legislature. The only precedent is that of Madras. In fact, the Madras precedent would be in favour of the admission of the resolution by the Speaker: Sri Prakasam's resolution was allowed and discussed and in the end thrown out. Hence it would appear that the only course would be to ~~oppose the resolution~~ press for the withdrawal of the resolution and to oppose it if it is still pressed: A paper cutting about the Mr Prakasam's resolution in the Madras Press is also put up for perusal.

'2'

13) Submitted with reference to para 11

HMD 16/1/57.

14) The newspaper cutting put up is for perusal.

15) The case is without precedent, but there seems to be no doubt about the admissibility of the Resolution. According to the Mysore Legislative Rules and the Standing Orders of the Mysore Legislative Assembly, it is open to a member to move a Resolution relating to any matter of public interest or importance relating to the administration of the State (Rule 43)

Serial No.

and so far as can be seen, the form and contents of the resolution do not render it inadmissible. The Speaker has already decided on the admissibility of the Resolution, and has allowed it apparently because the rules have been complied with. If disallowance is to be recommended, the reasons in support of such a course would have to be specified. It is therefore for orders whether the Speaker may be requested to disallow the Resolution and if so, what grounds may be urged for the disallowance. The fact that the Resolution is an unusual one or has not been moved in any other legislature in India may not be a sufficient or satisfactory reason for disallowing it though it may be as good ~~reason~~ one for opposing it. At best the resolution may mean nothing more than a legitimate request for an opportunity to study the working of a democratic form of Govt which is new alike to the people and the members who represent them; and at worst it may imply want of confidence in the Ministry. In either case, the matter seems to be within the competence of the Legislature.

16) The Law Sect. may be consulted, if necessary.

17) 17-1-51.

A/s. C. B. on C. L.)

Law-Secy w/s)

16.1.51.

SECRETARIAT 9744 17 JAN 1951 GOVT OF MYSORE
PUBLIC LAW DEPARTMENT 9901 17 JAN 1951

17.1.51

) There does not appear to be any procedural or constitutional objection to the moving of the resolution.

mas
23.1.51.

There appears to be no procedural or constitutional objection to the proposed resolution and it falls within the competence of the legislature.

) There are a number of instances where the Government themselves have appointed committees to take evidence and report upon important public questions. "Sometimes, indeed, the Government themselves invite the assistance of Parliament to institute, by means of select committees, enquiries into questions of administration, for the purpose of obtaining the fullest information to enable them to accomplish some desirable reform; or to express their willingness to be guided in a particular matter by the general sense of parliamentary opinion. But ~~whether~~ where the Government deprecate interference, or refuse to concur in any such recommendation, ~~pertaining to~~ the persistence of the House therein would either amount to an infringement of the royal prerogative or it would be tantamount to a vote of censure upon the existing administration. And it would be highly irregular to confer supervisory or administrative duties in matters of public concern upon private members of either House of Parliament." (Todd's Parliamentary Government in England, Vol. II - Page 154).

) Or again motions may be brought by any private member asking for an enquiry into any particular policy or action followed by a Ministry. Thus a motion on the conduct of the Crimion War was brought and the discussion elicited a classic constitutional dictum by

Serial No.

Mr. Gladstone who said "Your business is not to govern the country, but it is, if you think fit, to call to account those who govern it" "Those powers which this House undeniably possesses," he said "are powers that if used without stint or guard would enable it to throw the whole country into confusion; but it is a wise and prudent limitation which the House has itself put upon its own powers that enables it to emit and to wield its enormous force without crushing to atoms the other bodies which exercised power, are charged with power in this country." (Jennings Cabinet Government Page 371).

All the same such Committees of enquiry with reference to a particular subject-matter are accepted by Government because it thinks that there is a good answer to accusations, or because it believes that there have been defects of administration not due of its own members, or because the state of public opinion renders politic the acceptance of the demand for an enquiry. (Jennings Cabinet Government - Page 372).

22) A motion of the kind now under consideration which proposes to institute an enquiry into the working of the Ministry is quite unprecedented. It may in effect be said to be a vote of want of confidence in the Ministry and such a motion is subject to well-recognised constitutional limitations. "A vote of want of confidence, though justifiable in certain circumstances, is open to serious objection if it be hastily or unreasonably entertained for mere party purposes. For no person has a right to bring forward a resolution of want of confidence or a vote of censure in respect of any ministry unless he is prepared to assume the consequences of such a proceeding and the responsibility of placing the Government in a minority."(Todd's Parliamentary Government in England - Page 120).

NOTE—Contn. Sheet.

Law Secy. 25/1

2.3) While agreeing with the above note, I should like to add the following:

2.4) It is no doubt true that the request of Janab Mohamed Imam for the institution of a Committee to enquire into the working of the Ministry cannot be objected to under any of the existing provisions of law. In fact, even in England, there is a tendency in recent years to constitute Parliamentary Committees to enquire into matters which are strictly within the province of Government to determine; - "a procedure" - according to Todd - 'which tends to shift the labour and responsibility of administrative functions more and more from those to whom it belongs; and to increase in equal proportion, the power and influence of the House of Commons in details of Government".

2.5) Such Committees are often serviceable if their enquiries are <u>restricted</u> and are <u>within constitutional</u> limits. They render useful purpose when they "take evidence and report upon definite important public questions upon which precise information is needed with a view to legislation" or when they are appointed with a view "to examine into the Constitution and management of various departments". It is to be noted also that "such Committees are usually appointed either at the suggestion or with the direct approval of Government.

2.6) It is, therefore, a point for consideration whether a Committee to make a roaming enquiry as envisaged in the Resolution of Janab Mohamed Imam can

can be construed as one coming under this category of Committees mentioned above. The acceptance of such a request may lead to very undesirable effects inasmuch as we would be setting up a convention which would confer "supervisory or administrative duties in matters of public concern upon private members" of the Legislature 27) But there is another important point to which I should like to invite attention of Government. If a demand for an enquiry is objected to by Government and the Legislature, in spite of such objection, were to decide in favour of the enquiry the decision of the house would amount to a vote of censure on the existing administration. In view of this constitutional implication it is for Government to decide whether it would be desirable to oppose the request in the present political context. The safer course would perhaps be to adopt the suggestion of the Hon'ble Minister for Law and Labour viz., that if the Legislature wants a Committee Government have no objection. In all probability the resolution may not be reached.

Chief Secy) 29.1.57.

28) Refer. para 11. Newspaper cutting re. Sri. Prakasam's motion is placed below.

Ch. Minr) 29.1.57

SECRETARIAT LIBRARY GOVT. OF MYSORE

9.295 30/1

L.A. Resolution No. 19 – Constitution of a Committee

File No. to review the working of the Rajniti Niy. 19

General and Revenue Secretariat

5495/GR.

Serial No.

9295

29) Hes has become an academical matter now that the session is over. The matter may however be mentioned in Council.

H.C.D. 12/2/57

DMR 12.2.57

RECEIVED 12 FEB 1957 GOVT. OF ...

C.602/SD-57.

mentioned in Council. may be filed.

Rilla. 17/2/57

DMR 19.2.57

Submitted with a draft ~~Notification~~ Note for Consideration

Issue DMR 19.2.57.

HDD 19.2.57.

Sd/ 19.2.57.

Noted in the Council Register.

DMR 22/2/57

M 21.2.57.

Sd/ 21.2.57.

3

Tamil Note.

G. R. S. App. F. G. 3.]

GENERAL AND REVENUE SECRETARIAT.

Continuation sheet draft form.

Subject:- Resolution No. 19.
L.A. Jan. / Feb. Session 1951.

Janab T. Mahamed Iqbal had given notice, during the recent ~~L.A.~~ Session of the L.A., that he intended to move a Resolution which reads as follows:—

"This Assembly is of the opinion that a Committee consisting of members of the legislature be constituted to study and review the working of the Ministry since it came to office"

Before the attitude of ~~a Ministry~~ or otherwise of the resolution ~~not being considered by~~ Govt. to the resolution could be made known the ~~sitting of the~~ Session of the L.A. came to a close and there was no time for the resolution to be ~~being~~ moved in the House.

P.T.O

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WD 06072—GPP—25,000—21-6-49

DEPARTMENT OF INFORMATION.

Name of Paper..... Date.....

Indian Express

MADRAS: TUES., NOV. 14, '50.

CHARGES AGAINST MINISTERS

PRAKASAM'S MOTION ADMITTED

MADRAS, Nov. 13.

Mr. T. Prakasam's substantive motion recommending the appointment of a committee to enquire into certain allegations against some members of the Madras Cabinet will be taken up for discussion by the Madras Legislative Assembly on a 'non-official day.'

After question-hour in the Madras Legislative Assembly this morning, the Speaker, Mr. J. Sivashanmugham Pillai, announced that he had admitted Mr. Prakasam's "substantive motion" recommending the formation of a Committee to enquire into the conduct of certain Ministers. "The House is aware of the fact that Mr. Prakasam had given notice sometime ago of a motion for forming a Committee to enquire into the conduct of certain Ministers. At that time, I gave a long ruling and also explained the position. Following my ruling, Mr. Prakasam changed his original privilege motion into a substantive motion and I have now admitted it. As I told the House the other day, this motion can usually be taken up only on a 'non-official day' for discussion. However, if the Government so desires, it can also be taken up for discussion on an official day. But, for doing that we must have the permission of the Government. If the Government is willing, this can be done...."

Mr. B. Gopala Reddi (Leader of the House): I presume, Sir, it is only a private motion. I think it can be discussed on a non-official day.

The Speaker: That is true; it is only a private motion and so could be discussed only on a non-official day since all private motions could be discussed only on the day set apart for transacting non-official business. The Government is not willing for this motion bring discussed on an official day and so, I have to announce to the House that this motion will be taken up for discussion on a non-official day."

A POINT OF ORDER

Mr. K. Madhava Menon (Law Minister): Sir, You said that you have admitted the motion. I have to raise a point of order. I hope you will permit me to do that....

The Speaker: Certainly; what is the point of oder....?

Regarding this motion, I wish to say a few words. I had some difficulty in admitting this motion. None of the text-book writers either on Constitutional Law or on Constitution have brought to notice a similar motion and as I have already told the House the other day, a similar motion has not been moved in any part of India. So, I had to go to the House of Commons to find a parallel to this. As I have already told the House none of the text-book writers have mentioned this except Todd, the Librarian of the Parliament of the Dominion of Canada, who alone has said that a motion of this kind can be brought against an ex-Minister. He has said: "The extent to which the responsibility of the Minister of the Cabinet for misbehaviour while in office remains in operation after his retirement from Cabinet." "I say this because the other day when I called the Ministers, the leaders of the various parties for a Conference in my room (for discussion on this motion), the Raja of Chettinad raised a point whether ex-Ministers can be censured."

The Raja of Chettinad: For how long....

The Speaker pointed out that the Ministry as a whole should not be held accountable for the misconduct of one of its members. The only available methods of procedure against an ex-Minister of the Crown were Parliamentary impeachment or by address to the Crown to remove his name from the list of Privy Councillors or proceed against him by due process of law. In another place Mr. Todd said that since the establishment of Parliamentary Government it was never the use in England for any Ministry, upon acceding to office, to make use of its power and influence in Parliament to bring under investigation the acts of its predecessors. These acts were open to parliamentary criticism when they were performed and being uncondemned at that time, must be presumed to have been sanctioned. "It is of course competent for Parliament to investigate particular matters of complaint against individual ex-Ministers whenever facts are brought to light which call for enquiry." But such powers of the Government should never be used against their predecessors in office to obtain a censure upon their past policy for party considerations. Such enquiries were conducted only with a view to reforming the administration removing the defects or correcting any abuse.

The Speaker then proceeded to give some illustrations from parliamentary procedure in England wherein motions of censure had been brought against ex-Ministers for some alleged misbehaviour on their part while in office.

In conclusion, the Speaker announced that Mr. Prakasam's motion will be taken up for discussion on a non-official day. He also announced that the Law Minister would then be allowed to move his point of order also.

Mr. Majeed wanted the Speaker to read out Mr. Prakasam's motion; but the Speaker said that it would be circulated to the Members.

Mr. S. Nagappa wanted to know whether if the discussion on the motion was not completed on Thursday (the usual non-official day), they would be permitted to continue the same the next day.

The Speaker passed on to the next item on the agenda, viz., discussion on the H.R.E. Bill.

Mr. Prakasam's motion states: "This house is of the opinion that a committee of five members of the Assembly be appointed to investigate the charges against certain Ministers and an ex-Minister and to report the same to this House as expeditiously as possible and that the committee shall have power to send for persons, papers and record evidence on both the sides."

The Ministers against whom charges have been made are Mr. B. Gopala Reddi, Mr. H. Sitarama Reddi, Mr. M. Bakthavatsalam, Mr. K. Chandramouli and Mr. A. B. Shetty. The ex-Minister named in the charges is Mr. V. Kurmayya.

Asst Secy C.B. 55 15/1

Mysore Legislative Assembly.
Resolution no. 11 Jan - January 1951.

General and Revenue Secretariat

File No. of 19

[App. F. III-2

WD 010852—GPB—80,000—14.7.50

1783/B.A.

Mysore Legislative Assembly,
January Session, 1951.

Resolution No.11.

This Assembly is of the opinion that a committee consisting of members of the Legislature be constituted to study and review the working of the Ministry since it came to office and to suggest measures for a more efficient administration under democracy.

Mover: Mushir-ul-Mulk J.Mohamed Imam (Chitaldrug cum Tumkur - Muslim).

Siv.

Submitted.

The portion marked in red ink has been ~~by~~ disallowed by the Speaker. The main file as this has been put up to the Hon. the Chief Minister on 2/1/51 with D.No. 5496/C.B.

Chief Secy)

NPD 11/1/51

11.1.51

11.1.51

11/1/51

Notes—Contn. Sheet.

Appendix P. G. —1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to..... .....

No.

To

The Secretary,
Mysore Legislature,
Bangalore

General and Revenue Secretariat

( )

the 19 .

Sir.

Subject:- Mysore Legislative Assembly
Jan. Session 1951.
Resolution No 11 by J. Mahamad
Imam.

Dates of issue..... .....

Signed by..... .....

I am directed to state
that Hon. the Chief Minister
will be in charge of the Resolution
No. 11 ~~Bhoomi Sirur moved in the House~~
Yours faithfully

Chief Secretary.

List of enclosures..... .....

HPS
29/12/50.

Copy to P.S. to Ch. Min^r.

Copied by..... .....

Examined by.....

WD 06171—GPB—30,000—4-6-49